

LAW OFFICES OF
LOUIS E. GITOMER

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

MELANIE B. YASBIN
MELANIE@LGRAILLAW.COM

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885


RE: Docket No. AB-1023 (Sub-No. 1X), *Puget Sound & Pacific Railroad
Company—Abandonment Exemption—in Grays Harbor County, WA*

Dear Ms. Woods:

By decision served in the above-entitled proceeding on May 19, 2009, the Surface Transportation Board imposed a condition requiring Puget Sound & Pacific Railroad Company ("PS&P") to consult with WADOE, prior to commencement of any salvage activities, to ensure that any concerns regarding potential contamination of the right-of-way and applicable stormwater management, sediment control, and railroad tie recycling requirements are addressed, and to report the results of those consultations in writing to SEA. Enclosed are the letters PS&P has sent to WADOE addressing their concerns.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours



Melanie B. Yasbin
Attorney for Puget Sound & Pacific Railroad Company

Enclosures

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

MELANIE B. YASBIN
MELANIE@LGRAILLAW.COM

August 26, 2010

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

Ms. Roberta Woods
State of Washington, Department of Ecology
PO Box 47775
Olympia, WA 980504-7775

Re: STB Docket No. AB-1023 (Sub-No. 1X), *Puget Sound & Pacific Railroad
Company—Abandonment Exemption—in Grays Harbor County, WA*

Dear Ms. Woods:

This is in response to the letter from the State of Washington's Department of Ecology ("WADOE") dated April 30, 2009 to Diana Wood (the "Letter") at the Surface Transportation Board ("Board"). The Puget Sound & Pacific Railroad Company ("PSAP") has sought and been approved by the Board to abandon 8,344 feet long rail line that begins just south of where the railroad line crosses US Highway 101 and proceeds in a northerly direction for 8,344 feet to the end of the line, in Grays Harbor County, WA (the "Line"). As a condition to the abandonment, PSAP is required to consult with you to address the concerns raised in the Letter, prior to beginning salvage activities. The Law Offices of Louis E. Gitomer, LLC represents PSAP and has been asked to address your concerns.

The Letter raised two issues, the removal of structures that may contain treated wood and protecting water quality.

If treated wood is found at the site, PSAP will use best management practices and dispose of the wood in accordance with WADOE's publication Focus on Treated Wood Exclusion. If questions arise regarding the removal of treated wood, PSAP will contact WADOE's Hazardous Waste and Toxic Reduction program.

With regard to protecting water quality, PSAP will ensure that erosion control measures are in place before it begins any salvage activities over and in the buffers of the water crossings on the Line. These erosion control measures will effectively prevent stormwater runoff from carrying soil, debris, and other pollutants into the surface waters or stormdrains that lead to surface waters. All temporary erosion control systems will be designed to contain the runoff from the developed two year, 24-hour design storm without eroding.

PSAP does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the Line and will not be discarded along the right-of-way nor be placed or left in

streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents and other deleterious materials and remove all materials in a manner that will prevent their discharge into waters or soil. PSAP also acknowledges that cleanup of any spill will take precedence over other salvage activities.

Disposal of construction debris will be in such a manner that the debris cannot enter streams and their buffers or cause water quality degradation.

If at final grade, denuded areas are not otherwise permanently stabilized, a permanent vegetative cover will be established.

Finally, PSAP will create a plan to minimize tracking sediment by construction vehicles onto paved public roads. If sediment is deposited, it will be cleaned everyday by shoveling or sweeping.

This response resolves all of the issues raised in the Letter. If we do not receive a response from you by September 13, 2010, we will begin salvage operations on the Line.

If you have any further questions, please contact me by telephone at 410-296-2205, email at Melanie@lgraillaw.com, or mail at Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Ave, Suite 301, Towson, MD 21204.

Sincerely yours,



Melanie B. Yasbin
Attorney for Puget Sound & Pacific Railroad Company

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

MELANIE B. YASBIN
MELANIE@LGRAILLAW.COM

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

August 26, 2010

Ms. Anya Caudill
State of Washington, Department of Ecology
PO Box 47775
Olympia, WA 980504-7775

Re: STB Docket No. AB-1023 (Sub-No. 1X), *Puget Sound & Pacific Railroad
Company—Abandonment Exemption—in Grays Harbor County, WA*

Dear Ms. Caudill:

This is in response to the letter from the State of Washington's Department of Ecology ("WADOE") dated April 30, 2009 to Diana Wood (the "Letter") at the Surface Transportation Board ("Board"). The Puget Sound & Pacific Railroad Company ("PSAP") has sought and been approved by the Board to abandon 8,344 feet long rail line that begins just south of where the railroad line crosses US Highway 101 and proceeds in a northerly direction for 8,344 feet to the end of the line, in Grays Harbor County, WA (the "Line"). As a condition to the abandonment, PSAP is required to consult with you to address the concerns raised in the Letter, prior to beginning salvage activities. The Law Offices of Louis E. Gitomer, LLC represents PSAP and has been asked to address your concerns.

The Letter raised two issues, the removal of structures that may contain treated wood and protecting water quality.

If treated wood is found at the site, PSAP will use best management practices and dispose of the wood in accordance with WADOE's publication Focus on Treated Wood Exclusion. If questions arise regarding the removal of treated wood, PSAP will contact WADOE's Hazardous Waste and Toxic Reduction program.

With regard to protecting water quality, PSAP will ensure that erosion control measures are in place before it begins any salvage activities over and in the buffers of the water crossings on the Line. These erosion control measures will effectively prevent stormwater runoff from carrying soil, debris, and other pollutants into the surface waters or stormdrains that lead to surface waters. All temporary erosion control systems will be designed to contain the runoff from the developed two year, 24-hour design storm without eroding.

PSAP does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the Line and will not be discarded along the right-of-way nor be placed or left in

streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents and other deleterious materials and remove all materials in a manner that will prevent their discharge into waters or soil. PSAP also acknowledges that cleanup of any spill will take precedence over other salvage activities.

Disposal of construction debris will be in such a manner that the debris cannot enter streams and their buffers or cause water quality degradation.

If at final grade, denuded areas are not otherwise permanently stabilized, a permanent vegetative cover will be established.

Finally, PSAP will create a plan to minimize tracking sediment by construction vehicles onto paved public roads. If sediment is deposited, it will be cleaned everyday by shoveling or sweeping.

This response resolves all of the issues raised in the Letter. If we do not receive a response from you by September 13, 2010, we will begin salvage operations on the Line.

If you have any further questions, please contact me by telephone at 410-296-2205, email at Melanie@lgraillaw.com, or mail at Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Ave, Suite 301, Towson, MD 21204.

Sincerely yours,



Melanie B. Yasbin
Attorney for Puget Sound & Pacific Railroad Company